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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/514,711      | 02/28/2000  | Paul B. Specht       | 203947              | 8954             |

7590 03/12/2003

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EXAMINER

CHIN, RANDALL E

ART UNIT PAPER NUMBER

1744

DATE MAILED: 03/12/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

**Office Action Summary**

Application No.

09/514,711

Applicant(s)

SPECHT ET AL.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 10,21,22,25-28,36 and 37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9,11,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2,7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 10, 21, 22, 25-28, 36 and 37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in Paper No. 11.
2. Applicant's election of Figs.1-8, claims 1-9, 11-20 and 23-24 in Paper No. 11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Specification***

3. The disclosure is objected to because of the following informalities: On p.9, lines 6-7, it appears "inner layer 106" should read --inner layer 104--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. Claims 13, 17, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consistent terminology should be used with respect to "mop element portions" as recited in claim 4, line 3 for clarity. Claim 11, line 2, "connection" should read --connecting--for consistency. Claim 13 makes the claims vague and indefinite because it is unclear what the distinction or structural relationship is between the "handle" (claim 13) and the "elongate shaft" (claim 12). Claim 15, line 2, what exactly are "said ends"

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referring to? Claim 23, line 5, the claim is unclear as to what exactly defines the "plane". Is it the "body" or "mophead"? The same concern holds for claim 24. Also in claim 23, with respect to Figs.1-8, it is unclear how the plane having the longitudinal axis is normal to the shaft axis. The scope of this claim cannot be clearly determined with respect to elected Figs.1-8. Claim 24, line 20, "said ends" lack antecedent basis. Claim 24, lines 6-7, the entire recitation "...plane and a central channel extending into said body..." is awkwardly written and confusing.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaughn '744.

Figs.1, 5, 8 and 10 clearly teaches all of the recited subject matter. It will be specifically pointed out that Vaughn's tubular handle 46 is being construed as the "elongate rod" which would have an operator end.

7. Claims 1, 3-6 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Richardson '783.

8. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by

As well as the claim is understood, teaches all of the recited subject matter as shown.

***All wabl Subj ct Matter***

9. Claims 12-20 are allowed.

Claims 2, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Great Britain '142, Greenleaf, and Hvale are pertinent to various other butterfly mopping configurations.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (703) 308-1613. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Randall Chin  
Primary Examiner  
Art Unit 1744



R. Chin  
March 6, 2003